

**Communal Land Wildlife Resources
And Rural District Council
Revenues**

By

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**COMMUNAL LAND WILDLIFE RESOURCES AND RURAL
DISTRICT COUNCIL REVENUES**

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"Maunga marema - kudya muti waagere"¹

Introduction

Unlike our usual annual Centre reports to the Association which summarize the year's activities, this one focusses on a single issue which is critical and urgent for your members. It gives a summary of our research insights on the issue, and unlike many academic reports it is categorical and unequivocal. As I did last year I shall reinforce the argument with the tsumo of the land, for as so often happens the product of good research is really an elaboration of the common sense and wisdom embedded in our tradition.

2. Back to Basics - The Parks and Wild Life Act

Today Zimbabwe has a reputation for having one of the most healthy wildlife populations in Africa. It is one of the most popular tourist destinations in the Continent and has a booming tourism industry which ranks third in sectoral contributions to our foreign currency revenues. Internationally it has been a pioneer in the environmental approach of "conservation through use" and a developing country leader in promoting this approach in such forums as CITES and the IUCN. This has won us the admiration of friends, the grudging recognition of achievement even among our opponents, and places a heavy responsibility on us.

One of the major reasons for this success has been the philosophy behind the Parks and Wild Life Act (1975) which conferred the custodianship of wildlife on their land to the "owners or occupiers of alienated land." Very briefly, this philosophy contained insights on the use and management of wildlife which can be summarized as answers to the questions what? who? and why?:

- What basic insights?
That in certain ecological contexts wildlife can be the most environmentally sound and economically productive form of land use.
- Who should manage?
That the State does not have the resources to manage wildlife everywhere in Zimbabwe and that the most effective managers of wildlife are the people who live with it and pay for the costs of its existence.
- Why should they manage effectively?
That people who live with wildlife will only use and manage it sustainably when there is an economic motivation to do so and when they have secure rights to manage and reap the full rewards of their management inputs.

These insights informed the policy behind the Act, which had the effect of making farms and ranchers into proprietorial wildlife units, combining 'ownership,' management, cost and benefit. Zimbabwean experience since 1975 has clearly demonstrated their validity. Contrary to some gloomy predictions, wildlife populations have increased on farms and ranches and the wildlife industry in this Country has boomed.

3. The CAMPFIRE Programme: Policy and Law

There was, however, a major defect in the 1975 Act. Enacted during U.D.I. era, it conferred proprietorship (or "Appropriate Authority") over wildlife only to the largely white farmers and ranchers. Small-scale black farmers, many of them living in the underdeveloped but wildlife-rich periphery of the Country, did not receive the privileges and benefits of the Act. It was clearly discriminatory and in 1982 our Government amended the Act allowing the Minister to appoint a rural district council "to be the appropriate authority for such area of Communal Land as may be specified." (Section 95 (1)) The purpose of this amendment was to eliminate discrimination between farmers on private lands and communal land farmers and to extend the demonstrated economic and environmental benefits of the Act to communal land farmers. It was an important legal step forward, and formed the legal

springboard on which the CAMPFIRE Programme was subsequently developed.

Our experience has shown, however, that the replication of the essential institutional profile providing success - the tight proprietorial unit combining ownership, management, cost and benefit - in the communal land context poses a number of problems. Among these are:

- The tenure situation of communal land farmers is less secure and they are more vulnerable to planning and regulation imposed from outside their communities.
- The appropriate proprietorial units analogous to farms and ranches are communities (usually wards or vidcos) of collective interest; management is therefore more complex.
- Legally these communities still do not have "appropriate authority." This has been granted to councils, which are large, heterogenous administrative units rather than units of production. Wildlife production comes from their sub-units (vidcos or wards), or some of them. These are the units which parallel farms and ranches, but they do not have the same position in law regarding the proprietorship of wildlife. Thus a legal discrimination between private farmers or ranchers and communal land farmers still persists in regard to wildlife.

In this legal context, it is not surprising that councils have been tempted, as the delegated legal authorities over wildlife, to appropriate the revenues of their constituent producer communities for their own purposes - thus replicating at the council level the extractive practices of the pre-CAMPFIRE, colonial government. We have been operating in an ambiguous situation, the law saying one thing and our principles and policy demanding another.

As an interim measure, Government has tried to bridge this gap between law and policy by persuasion, indicating that it is Government's expectation that councils will further devolve their appropriate authority status to wards and communities. In his speech to the A.G.M. of this Association 15/7/91 the Honorable Senior Minister of Local Government, Rural and Urban Development stated that Government was satisfied that district councils were well placed to manage wildlife on their own lands provided that four conditions were met. These were that:

- a) "Benefits are returned to the producer communities, that

is, the people living with the animals in the respective area of the village, or ward."

- b) "The producer communities decide for themselves how to allocate these benefits."
- c) "That as much money as possible is ploughed back to the producer communities. This means that councils must institute effective management systems that eliminate excessive bureaucracies and overheads."
- d) "That council and other management committees are responsible to the people they represent."
(Official Closing Address, pp. 3-4)

Similarly, the Honorable Minister for Environment and Tourism stated in his address to the A.G.M. of this Association 25/11/92 that it was his Ministry's "intention to ensure that councils entrust producer communities with responsibility for managing benefits." He also continued, "In conclusion I wish by way of emphasis to re-state that it is my Ministry's intention to ensure that the process of devolution continues and that producer communities become increasingly involved in all aspects of wildlife management, especially the financial elements."
(pp. 2, 5)

As a guideline to the implementation of the Programme in this ambiguous legal situation the Department of National Parks and Wild Life Management issued recommendations on revenue distribution according to the following formula:

- a) up to 35% of revenue to be retained for wildlife resource management by the district council's wildlife management agencies;
- b) a minimum of 50% of revenues to be distributed to wards;
- and c) 15% of gross revenues to be retained by district councils as a levy. Note that the last was, in effect, a 15% district council tax on producer community wildlife revenues.

4. CAMPFIRE : THE RECORD

Under these interim legal and programmatic arrangements the record of the CAMPFIRE Programme has been mixed. Sadly we have to acknowledge that too many councils have ignored Ministerial directives and the Department's guidelines. They have appropriated the bulk of the revenues generated by their producer communities, made promises of revenue distributions to communities which they have not kept, marginalized any participation in wildlife planning and management by communities, created hypertrophic district-level wildlife management and failed to develop training programmes in management for their

producer communities. The result has been ignorance of or hostility to the CAMPFIRE Programme, mistrust of councils, increasing intolerance of wildlife and a continued lack of communal environmental controls. These effects are not the fault of the Programme's principles (as our detractors would have it) but the result of a lack of the Programme's proper implementation.

Fortunately we also have examples of district councils which have understood the dynamics of CAMPFIRE, have taken Ministerial directives seriously, and have genuinely promoted proprietorial devolution to producer communities. Where this has been implemented in communities over a period long enough for us to make informed judgements the following results are discernable:

- A re-awakened appreciation of the value of wildlife
- Poaching eliminated or drastically reduced
- Fewer complaints of problem animals
- The emergence of local environmental management structures
- Improved environmental conservation practices
- The use of wildlife revenues for food security in times of drought
- The local initiation of land use planning
- An increase in household revenues
- Community-funded local development for schools, clinics, grinding mills and other community infrastructure

These are the success stories of CAMPFIRE. These communities are the exemplars whose experience can and should be replicated in many others. They are real-life, on-the-ground demonstrations of the validity of Zimbabwe's "conservation through use" policy. They are evolving, dynamic evidence that local communities can manage their environment effectively and can turn it into an instrument of local development and self-sufficiency. Their success deserves support, not suppression.

5. Amalgamation and the New Rural District Councils

Unfortunately there are several dangers which could suppress the success of these communities. This paper focuses on one: amalgamation and the new rural district councils.

Like the 1982 amendment to the Parks and Wild Life Act, the amalgamation of district councils and rural councils has among its objectives the removal of residual legal discrimination in rural Zimbabwe between private farmers or ranchers and farmers in communal lands. This is a commendable objective, and amalgamation provides the opportunity for large scale commercial

farmers and communal land farmers to coordinate their planning and management of natural resources. However there are currently alarming reports that the new rural district councils, in an era of ESAP and under the imperative from Government to be self-financing, intend to use their communal land wildlife revenues to balance their budgets. These district councils in effect, are looking on their communal land wildlife as a "common pool" resource.

One can have a certain understanding for the administrators and council executives who advocate this return to an older, paternalistic policy on communal land wildlife. For some districts, wildlife constitutes their most valuable, readily encashable resource. Why not manage it, use its revenues to balance council budgets, and then paternalistically return some of it to producer communities for their "development"? Understandably they are also nervous about devolving their appropriate authority to wards and vidcos when the law makes them statutorily responsible for wildlife. If sub-district officials mismanage wildlife or misappropriate wildlife revenues, will they be held liable in law?

These are real dilemmas which must be addressed. But the way out of them is not a return to older, paternalistic policies on wildlife. A scenario in which communal land wildlife revenues are now appropriated by the new rural district councils would have disastrous implications:

- An uncertainty about their proprietorial rights would be reintroduced in these communities.
- An inevitable drop in direct wildlife revenues to these communities.
- Motivation to collectively manage and use natural resources in these communities would fall while motivations for private exploitation of these resources (poaching) would increase.
- Conflicts between producer communities and councils will rise, with a vast escalation in complaints about "council's" problem animals. Communal land farmers will no longer tolerate a system where they pay the costs for the existence of wildlife while others reap the benefits of its value. Kusiri kwako masango²

Indeed this scenario could set the stage for the death of CAMPFIRE. It would be a blow to Zimbabwe's conservation objectives and to the Country's tourism and wildlife industry.

It would damage Zimbabwe's leadership internationally in its role as a proponent of conservation through use. It would reinforce accusations that Zimbabwe's policies of devolution in wildlife management are a fraud.

Finally, it would reintroduce older discriminations between communal land farmers and private commercial farmers. In rural district councils with both private and communal lands, council appropriation of communal land wildlife revenues while private land wildlife revenues remain the property of the land owner would be highly discriminatory. It would constitute in effect a transfer of assets from communal lands to private lands, from the rural poor to the rural rich.

Such a scenario is completely unacceptable. Environmentally it would erode Zimbabwe's policies for sound, sustainable use and management of natural resources at decentralized levels. Developmentally it would be a setback to rural self-sufficiency and self-management in communal lands, reintroducing paternalistic notions of dependency and aid which denigrate the abilities of communities and cannot satisfy their drive to stand on their own efforts. Mvura yokuchererwa haipedzi nyota.³ Politically it resurrects suspicions in rural people of elite intentions to expropriate their resources and control their lives. Mweni haaiswi padura⁴

6. The Way Forward

Such a scenario cannot be allowed to develop, and furthermore the legal ambiguities which characterize this present phase in the implementation of our policies must be eliminated. I suggest that the time has now come for the following steps to be taken:

- a) Our parliamentarians and bureaucrats must be made fully aware of the environmental, developmental and political implications involved. The CAMPFIRE Association has a central role to play in this and I urge you to address this responsibility as a matter of urgency.
- b) Our legislation needs to be updated to harmonize our policy with the law. The intent of our policy is no longer simply "to confer privileges on owners or occupiers of alienated land as custodians of wild life, fish and plants" as the 1975 Preamble puts it; it is to confer privileges on occupiers of land, whether private or communal, as custodians of wild life, fish and plants. I repeat, our legislation should be non-discriminatory between communal land and private farmers on matters of wildlife management and use. In rural district councils the legal proprietorial status of producer communities in communal lands regarding wildlife must be the same as that of

private farms and ranches. Section 95(1) of the Act should therefore be amended to read: "The Minister may, by notice in the Gazette, appoint a rural district council, or any properly constituted sub-unit thereof, to be the appropriate authority for such area of Communal Land as may be specified in such notice." (Or other wording to the same effect.)

7. Rural District Council Revenues and Wildlife Resources

This analysis has recognised that rural district councils are under the imperative to balance their budgets and that for many of them the wildlife industry provides a significant part of the economy of the areas they service. It follows therefore that wildlife revenues are likely to constitute an important part of the tax base that they require. However in taxing wildlife revenues the following points should be considered:

- a) The rural district council taxation system should be equitable and not tax communal land wildlife revenues more heavily than similar production on private land.
- b) Wildlife revenues are, compared to other rural farm revenues, relatively easy to determine and tax. The 15 per cent levy or tax on communal production is an example. This could lead rural councils into the "easy" solution of maintaining this kind of tax on communal land producer communities and extending it to private farms and ranches. This however could perpetuate a situation in which wildlife production is differentially taxed making it an uncompetitive form of production for farmers in situations where intrinsically it is a sounder economic and ecological form of land use. The Honorable Minister of Environment and Tourism sounded a warning on this point in his 1992 speech to the A.G.M. of this Association when he said:

"In the implementation of this programme we should avoid the pitfall of making wildlife the only resource that can be used for District development. This is a point I would like to stress to avoid the temptation of levying or taxing wildlife while exempting cattle and crops. You will no doubt appreciate that this not only is discriminatory but also quite unfair." (p.2)

The rural district council taxation system must therefore be devised to apply to all uses or revenues benefitting from RDC services on an equitable basis and in a manner which does not discriminate against any form of environmentally sound and economically productive land use.

- c) RDCs can help balance their budgets by shifting many of the wildlife management activities and costs that they have developed to the producer units. Communal land producer units should be expected to take over and pay for management costs, just as private farms and ranches are expected to do. It is recognized that some coordinative and regulatory services in wildlife management, for both private and communal land, may be required from RDCs. For these services producer units should pay, according to their needs and on the basis of agreed schedules of fees.

8. Conclusion

This paper began with the quotation of the tsumo "Maunga marema, kudya muti waagere." In meaning, this proverb is very much like the English one which states, "Don't kill the goose which lays the golden eggs." To mix my metaphors, Zimbabwe's policy of giving rural people the right to manage and benefit from the wildlife with which they live has been the golden goose which, where implemented, has laid the golden eggs of a better environment, increased wildlife revenues and rural development. Like the maunga, we would be foolish to eat up the capital of our wildlife and the rural self-sufficiency that our policy is developing for the sake of short-term sectional or administrative needs. We would be eating up the environmental tree in which we live. Let us rather keep the flame of motivation and self-sufficiency which CAMPFIRE has kindled in our communal lands alive and growing.

M.W. Murphree
12/12/93

Notes on tsumo quoted.

1. Maunga marema - kudya muti maanogara. "Hairy caterpillars are stupid, eating down the tree in which they live."
2. Kusiri kwako masango. "A place that is not yours is wild bush," i.e. a place in which there is no point in wasting your labour or management efforts.
3. Mvura yokuchererwa haipedzi nyota. "Water that is fetched for you by someone else does not quench the thirst," i.e. people are frequently not satisfied with what is handed out to them by others. They may not get what they need nor be happy with being dependant on others.
4. Mweni haaiswi padura. "A stranger is not placed in the granary," i.e. there is no sense in letting others control the place where your resources are stored, and on which your livelihood depends. A colourful variant is diro haripinzwi mumunda. "a baboon is not led into one's field."



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